



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
HAWKS MINI-MART INC.)	
8085 Co. Rd. 451)	Request ID No. 629927
Hawks, Michigan 49743)	
)	
Bismarck Township Presque Isle County)	
_____)	

At the May 1, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On December 7, 2011, Hawks Mini-Mart Inc., (applicant) filed a request for a new SDD license with motor vehicle fuel pumps under MCL 436.1541(4), to be held in conjunction with an existing 2012 SDM license with Sunday Sales Permit (A.M.) and motor vehicle fuel pumps under MCL 436.1541(3) at the above-noted location.

At a meeting held on February 29, 2012, the Commission denied the subject request under administrative rule R 436.1133 because there is one (1) existing SDD licensee located within 2,640 feet of the proposed location (Toby's, Inc.) and the applicant does not qualify for a waiver under administrative rule R 436.1133 relative to that licensed outlet.

Sole stockholder Joseph Schleben, submitted a timely request for an appeal in this matter, and represented the applicant at the May 1, 2012 hearing, at the Commission's Lansing office

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission does not find error with the application of the MLCC Code or MLCC Administrative Rules. Specifically, the applicant does not qualify for a waiver under administrative rule R 436.1133. For the reasons stated on the record, the previous order is affirmed.

THEREFORE, IT IS ORDERED that:

A. The denial order of February 29, 2012, issued in this matter is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 3, 2012

Prepared by:
Terri Chase, Commission Aide